IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.430 OF 2003

M/s.Pidilite Industires Limited Plaintiff

versus

M/s.Shree Siddhi Vinayak Enterprises and another Defendants

Mr.A.M.Puranik for plaintiff.

Mr.Surel S. Shah for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 12th July 2005

PC :

1. In this summary suit, Summons for Judgement No.359 of 2003 was moved by the plaintiff. That was duly served on the defendants. An affidavit in reply was filed along with application seeking leave to defend. On that Summons for Judgement this Court passed an order on 14th February 2005 and granted conditional leave to the defendants to defend the suit subject to their depositing in this Court a sum of Rs.2,05,530/- within a period of four weeks. Time to make this deposit has expired. Order has not been challenged. No application is made seeking extension of time to

deposit the amount. In these circumstances, Mr.Puranik applies for decree against defendants.

2. On the last occasion this matter was placed before me when Mr.Surel Shah appearing for defendants sought time to take instructions from his clients about compliance of the order passed by this Court on 14th February 2005. Mr.Shah pleads no instructions.

3. In these circumstances, the plaintiffs are entitled to a judgement in their favour. Original non deposit certificate taken on record marked "X" for identification. Original documents along with list marked "X-1". There will be a decree as prayed. Refund of court fees and computation of advocates' costs as per rules. Drawing up of decree is expedited.

4. While calculating the sum payable under the decree the office to take into account the concession of plaintiff's advocate giving up interest prior to the date of filing of suit. Decree to be drawn accordingly.

(S.C.DHARMADHIKARI, J.)